

2) Attached is a new Information Disclosure Statement (IDS) and the \$180.00 fee payment for the filing made after the first Office Action. Please carefully consider the related art supplied by Applicant in the IDS when reexamining the claims. Thank you.

Applicant realizes the Information Disclosure Statement is extensive and sincerely apologizes to the Examiner and requests the Examiner to please bear with Applicant. The legal system regarding reference art disclosure, as presently determined by the Courts, is a harsh master – expensive, time consuming and difficult – for an inventor who only wants to enjoy the fruit of his invention. Please examine the claims thoroughly so that Applicant may receive a valid and worthy Patent. Thank you for your time.

3) A Terminal Disclaimer is attached along with the \$55.00 the Small entity fee payment therefore.

The Office Action on pages 2-3 points 1-3 states in effect that claims 1-7 and 11 are rejected only on the grounds of obviousness-type double patenting over Applicant's U.S. Patent 6,198,473. Therefore, with the entering of the attached Terminal Disclaimer, it is respectfully requested that the double-patenting rejections be withdrawn. Thank you.

Further regarding the terminal disclaimer included herewith: Applicant submits the terminal disclaimer only to expedite the advancement of this application toward issuance and because the submission of a terminal disclaimer is not an admission of anything, see *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991) and in particular therein the statement:

"a terminal disclaimer is of circumscribed availability and effect. It is not an admission of obviousness of the latter filed claimed invention in light of the earlier filed disclosure".

Also, from the Manual of Patent Examining Procedure, Section 804.02 II, it is clear the U.S. Patent Office accepts and agrees with the Court's holding that a terminal disclaimer is not an admission of anything.

Please take notice that U.S. Patent 6,198,473 and the instant Application are conditionally licensed to a small entity business known as AnaScape, however Applicant has retained basic ownership rights.

4) Regarding points 4 and 5 on pages 3 and 4 of the Office Action: The rejection of claim 8 under 35 USC 102(e) as being anticipated by Nassimi, US Patent 5,790,102 is noted.

Regarding Applicant's claim 8, the Examiner states on page 4 in point 5 of the Office Action that:

"Nassimi teaches a method of controlling window scrolling using a mouse 10 having surface-tracking 12 for controlling a cursor 22"

Applicant very respectfully disagrees with the Examiner's determination that Nassimi has "surface-tracking" ... as in Applicant's invention and respectfully requests that the Examiner please review the Nassimi disclosure again to verify what Applicant believes the disclosure states. The Nassimi mouse does not appear to have "surface-tracking" of any kind as in Applicant's claims such as claim 8. The Nassimi "12" is the surface on which the mouse 10 rests "substantially stationary", and "14" is the "negligible mouse

movement area", please see Nassimi column 16 lines 1-5. Also see Nassimi drawing Fig. 1 wherein the "negligible mouse movement area 14" is shown.

Applicant's surface-tracking is used to track movement of the mouse across a surface, NOT "substantially stationary" as in Nassimi, but rather Applicant's invention is "substantially displaced" meaning moved across a surface to control a pointer or cursor.

Applicant's surface-tracking feature is a different feature from Applicant's analog scroll control button.

It seems as though Nassimi has set out to eliminate surface-tracking and therefore teaches away from surface-tracking by extending a pressure sensitive actuator through a hole in the bottom of the mouse housing and in effect having the human user press the housing which remains "substantially stationary" on the surface on which it rests.

Further regarding Applicant's claim 8, the Examiner states on page 4 in point 5 of the Office Action in respect to Nassimi that:

"depressing an analog scroll control button 62 for controlling variable screen scrolling rate"...

Applicant again very respectfully disagrees with the Examiner's determination that Nassimi buttons 62 are analog or for variable rate screen scroll control. Please see Nassimi column 17 lines 45-49, and column 19 lines 3-6 wherein Nassimi appears to be

stating that buttons 62 are conventional in function. Applicant does not believe button operated variable rate screen scroll control on a mouse is "conventional".

In view of the above discussion of the point 5 grounds for rejection, the apparent teaching away from the claim 8 invention, and the discrepancies between what the Examiner initially thought Nassimi was describing and what Applicant believes is actually described in Nassimi's disclosure, the Examiner is very respectfully requested to withdraw all rejections in which Nassimi was relied upon and find that the claims are allowable. Thank you.

5) Regarding points 6-7 on pages 4-5 of the Office Action: The 35 USC 102(a) rejection of claims 12-30 as being anticipated by Adan et al (US Patent Application Publication 2002/0036660 A1) is noted.

Additionally noted is the December 3, 2001 filing date of the Adan et al (US Patent Application Publication 2002/0036660 A1). Applicant's present Application has an earlier filed date of January 4, 2001 and therefore the December 3, 2001 filed date of the Adan et al Application renders it unusable as prior art against Applicant's Application. If the Examiner is NOT relying on the priority claimed U.S. Application No. 09/153,148 referred to by Adan et al, then it is respectfully requested that any rejections of the present claims relying on Adan et al Publication 2002/0036660 be withdrawn and the claims rejected there over be allowed because Applicant's Application has an early filed date.

If the Examiner is in fact relying on the priority date of U.S. Application No. 09/153,148 referred to by Adan et al, Applicant very respectfully requests an opportunity to personally review the priority Application 09/153,148 before commenting on the

allowability of claims 12-30 since the 35 USC 120 priority benefit extends only to the common matter of the two Applications of Adan et al. Applicant did not find a copy of Application 09/153,148 in with the Office Action, and because it is an Application, apparently unpublished and Abandoned, Applicant has been unable to retrieve a copy of the Application using the Internet at the PTO web site. Applicant does note the use of the word "continuation" in the Adan et al published Application but believes it to be reasonable for Applicant to read the disclosure that purportedly describes his Invention.

Therefore, would the Examiner please be so kind as to forward a copy of Application 09/153,148 for Applicant's review if that is the disclosure relied upon. Thank you.

6) Regarding points 8-9 on pages 5-6 of the Office Action: The 35 USC 103(a) rejection of claims 9 and 10 as being unpatentable over Nassimi in view of Adan et al (US Patent Application Publication 2002/0036660 A1) is noted. Again, because of the Nassimi disclosure apparently not teaching most of what is in Applicant's independent claim 8 discussed above and thus dependent claims 9 and 10, and further because of the effective dates regarding the instant Application and that of the relied upon Adan et al (US Patent Application Publication 2002/0036660 A1) Applicant respectfully requests that the grounds for rejection be withdrawn and claims 9-10 be allowed along with claim 8. Even if Adan et al does have an earlier effective date through a priority claim, claim 8-10 should be held allowable because of Nassimi's apparent teaching away as detailed above.

Thank you.

AMENDMENTS TO THE CLAIMS

Please amend the claims as shown and add the "new" claim 31. Claims 1-31 are presented for examination and allowance. Thank you.

1. (currently amended) An improved mouse of the type having surface-tracking for pointing control, said mouse further of the type including a housing, electronic circuitry within said housing and coupled to ~~communication means for~~ structure communicating control signals from said electronic circuitry to a computer, a plurality of finger depressible buttons exposed on said housing and interfacing with sensors electrically connected with said electronic circuitry; said buttons ~~for~~ allowing user selection of control signals communicated to the computer; at least two of said sensors each capable of providing at least three readable states of varied conductance, at least two states of said at least three readable states ~~dependent~~ dependent upon depressive pressure applied to the variable-conductance sensors through depression of an associated button;

wherein the improvement comprises:

said electronic circuitry ~~including means for~~ reading said at least three readable states and ~~for producing~~ providing a distinct control signal for each state of said at least two states, the distinct control signals are

screen scrolling control signals used to determine scrolling speed rates, whereby a pointer controlled by said mouse is not required to be located on a scrolling elevator showing on a monitor.

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2. (original) An improved mouse according to claim 1 wherein said at least two of said sensors are analog sensors each including pressure-sensitive variable-conductance material.

3. (currently amended) An improved mouse of the type having surface-tracking for pointing control, said mouse further of the type including a housing, electronic circuitry within said housing and coupled to ~~communication means for~~ structure communicating control signals from said electronic circuitry to a computer, a plurality of finger depressible buttons exposed on said housing and interfacing with sensors electrically connected with said electronic circuitry; said buttons ~~for~~ allowing user selection of control signals communicated to a computer;

wherein the improvements comprise:

at least two of said sensors are analog sensors each including pressure-sensitive variable-conductance material to provide at least three readable states of varied conductance, said states ~~dependant~~ dependent upon depressive pressure applied to the pressure-sensitive variable-conductance material;

said electronic circuitry ~~including means for~~ reading said at least three readable states and ~~for~~ producing a distinct control signal for each of at least two states of said at least three readable states, whereby said mouse outputs the distinct control signal regardless of a pointer position on a display.

4. (original) An improved mouse according to claim 3 wherein the distinct control signals are screen scrolling control signals, and are used to determine scrolling speed rates.

5. (currently amended) An improved mouse of the type having surface-tracking for pointing control on a display, said mouse further of the type including a housing, electrical power source ~~means for~~ powering electronic circuitry, said electronic circuitry located ~~within said housing, said electronic circuitry coupled to communication means for~~ connected to structure communicating control signals from said electronic circuitry to a computer, a plurality of finger depressible buttons exposed on said housing and interfacing with sensors electrically connected with said electronic circuitry; said buttons ~~for allowing user selection of control signals communicated to the computer;~~

wherein the improvements comprise:

at least two of said sensors are analog sensors including pressure-sensitive variable-conductance material, each said analog sensor structured to provide at least three readable states of varied conductance, said states ~~dependant~~ dependent upon depressive pressure applied individually to the sensors of said at least two sensors;

said electronic circuitry ~~including means for~~ reading said at least three readable states and ~~for~~ producing scroll control signals representative of each of at least two states of said at least three readable states;

a first sensor of said at least two sensors, said first sensor associated with a first button of said finger depressible buttons, said first button variably depressible to allow applying varied depressive pressure to said first sensor, said first sensor connected to

said electronic circuitry, said electronic circuitry for reading said at least three readable states and producing at least two different scroll-up values as said scroll control signals;

a second sensor of said at least two sensors, said second sensor associated with a second button of said finger depressible buttons, said second button variably depressible to allow applying varied depressive pressure to said second sensor, said second sensor connected to said electronic circuitry, said electronic circuitry ~~for reading~~ reading said at least three readable states and producing at least two different scroll-down values as said scroll control signals, whereby a pointer controlled by said mouse is not required to be located on a scrolling elevator showing on a display.

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cmt 6. (original) An improved mouse in accordance with claim 5 wherein the first and second sensors include elastomeric dome-caps including the pressure-sensitive variable-conductance material carried by and within said dome-caps.

7. (currently amended) An improved mouse in accordance with claim 5 wherein the first and second sensors are each packaged sensors each comprising:

a package housing;

an electrically conductive concavo-convex resilient disk within the package housing;

two normally electrically separated proximal circuit elements at least in-part within the package housing;

a depressible button retained to the package housing and positioned such that depression of the button depresses said disk;

said pressure-sensitive variable-conductance material positioned within the package housing to receive compressive pressure thereagainst from and upon depression of said disk, said pressure-sensitive variable-conductance material further positioned to define at least a portion of an electrically conductive path defined between said proximal circuit elements upon depression of said disk, whereby said electrically conductive path is of varied electrical conductivity ~~dependant~~ dependent upon an amount of compression applied to said pressure-sensitive variable-conductance material.

8. (currently amended) ~~An improved~~ A method of controlling window scrolling using a mouse having surface-tracking ~~for~~ controlling a pointer, comprising:

~~wherein the improvement comprises:~~

depressing, by ~~the~~ a user, an analog scroll control button, located on said mouse, ~~for~~ and controlling variable screen scrolling rate by way of selecting the pressure applied to said analog scroll control button.

9. (currently amended) ~~An improved~~ A method of controlling window scrolling of a computer using a mouse according to claim 8 wherein the method further comprises

increasing pressure applied to said analog scroll control button for increasing scrolling rate, and said pointer controlled by said mouse is not required to be located on a scrolling elevator showing on a monitor.

10. (currently amended) ~~An improved~~ A method of controlling window scrolling of a computer using a mouse according to claim 9 wherein the method further comprises

decreasing pressure applied to said analog scroll control button for decreasing scrolling rate.

11. (currently amended) A method of manufacturing an improved mouse including the ~~known prior art steps of:~~ steps: molding a housing; installing surface-tracking pointer control; ~~means for pointing control;~~ installing electronic circuitry within said housing; connecting communication structure ~~means~~ to said electronic circuitry ~~for communicating~~ enabling communication from said mouse to a computer; installing a plurality of finger depressible buttons positioned ~~for bearing on~~ to actuate sensors electrically connected with said electronic circuitry; said electronic circuitry ~~for reading~~ reading a plurality of said sensors as sensors having only two readable values; and

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installing pressure-sensitive variable-conductance analog sensors positioned to be activated by depression of at least some buttons of said finger depressible buttons, said pressure-sensitive variable-conductance analog sensors structured to provide at least three readable values, said values ~~dependant~~ dependent upon depressive pressure applied to said pressure-sensitive variable-conductance analog sensors;

installing circuitry ~~for reading~~ reading an immediate value of said at least three readable values of the pressure-sensitive variable-conductance analog sensors, and ~~for~~ communicating data representative of the immediate value from said mouse to a computer,

whereby said mouse is manufactured for communicating data representative of the depressive pressure applied to said pressure-sensitive variable-conductance analog sensors regardless of the position of a pointer controlled by said mouse.

12. (currently amended) A mouse ~~for use~~ used with software ~~for~~ navigating network addresses, said mouse comprising:

a housing, said housing supporting

~~means for allowing~~ structure providing user control of a pointer by moving said housing relative to an adjacent surface,

~~means for~~ structure communicating a first command signal to the software, said first command signal activating display of information of a previously visited network address, said activating occurring without a requirement of said pointer having to be located on a back button shown on a display.

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13. (original) A mouse according to claim 12 wherein the software navigates Internet addresses.

14. (original) A mouse according to claim 12 wherein said information of a previously visited network address is displayed on a display.

15. (currently amended) A mouse according to claim 12, wherein said ~~means for~~ structure communicating a first command signal to software includes a user depressible surface located on said housing.

16. (currently amended) A mouse according to claim 13 further including ~~means for~~ structure communicating a second command signal to software, said second command signal activating display of information of a previously visited network address, said activating occurring without a requirement of said pointer having to be located on a forward button shown on a display.

17. (currently amended) A mouse according to claim 16, wherein said ~~means for~~ structure communicating a second command signal to software includes a user depressible surface located on said housing.

18. (currently amended) An improved computer mouse of the type including a housing, electronic circuitry located within said housing, surface-tracking type pointer control ~~means~~ coupled to said electronic circuitry ~~for allowing~~ allowing user control of a pointer on a computer monitor, said electronic circuitry coupled to communication ~~means for~~ structure communicating output control signals from said electronic circuitry to a computer, a plurality of finger depressible buttons exposed on said housing and interfacing with sensors electrically connected with said electronic circuitry ~~for allowing~~ allowing user selection of output control signals communicated to a computer;

wherein the improvement comprises:

at least one of said buttons being a back button, depression of said back button causes reception of a back control signal by network browsing software initiating said software to display imagery of a previously viewed network address, said network

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browsing software recognizing said back control signal without a requirement of the pointer being located on the software back button displayed on the monitor.

19. (original) An improved computer mouse according to claim 18 further including at least one of said buttons being a forward button, depression of said forward button causes reception of a forward control signal by network browsing software initiating said software to display imagery of a previously viewed network address, said network browsing software recognizing said forward control signal without a requirement of the pointer being located on the software forward button displayed on the monitor.

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cnt 20. (currently amended) An improved method of using a mouse, said mouse having surface-tracking pointer control ~~means for~~ describing a pointer position on a display, and user activatable buttons,

wherein the improved use of said mouse ~~includes the step of~~ comprises the step: pressing and releasing one of the buttons to send a back signal to network navigating software ~~for initiating~~ to cause said software to display imagery of a previously visited network address and without a requirement of the pointer being located on a software back button shown on the display.

21. (currently amended) An improved method of using a mouse according to claim 20 further including comprising a step of pressing and releasing one of the buttons to send a forward signal, without a requirement of the pointer being located on a software forward button shown on the display.

22. (currently amended) An improved method of browsing or navigating a network using a computer mouse, said mouse having surface-tracking cursor control ~~means for~~ describing a cursor position on a display, and user depressible buttons,

wherein the improved method ~~includes the step of~~ comprises the step:
depressing one of the buttons to send a signal, regardless of the cursor position on the display, to network browsing or navigating software ~~for commanding~~ to cause display of imagery of a previously visited address.

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cmt 23. (currently amended) An improved method of browsing or navigating a network according to claim 22 further ~~including a step of~~ comprising the step: depressing one of the buttons to send a signal, regardless of the cursor position on the display, to network browsing or navigating software ~~for commanding~~ to cause display of imagery of a most recent previously visited address.

24. (currently amended) A mouse ~~for use~~ in use with a computer and operating software ~~for~~ navigating network addresses, said mouse comprising:

a housing, ~~said housing supporting~~

~~means for allowing user control of a~~ user controlled pointer shown on a display,
~~said means for allowing user control of a~~ the pointer using surface-tracking when said
~~mouse~~ housing is moved over an adjacent surface by the user, and

~~means for~~ structure communicating a first command signal to software, said first command signal activating display of information of a previously visited network address,

said activating of display of information of a previously visited network address occurring without a requirement of said pointer having to be located on a back button shown on the display.

25. (original) A mouse according to claim 24 wherein the software navigates Internet addresses.

26. (currently amended) A mouse according to claim 24, wherein said ~~means for~~ structure communicating a first command signal to software includes a user depressible surface located on said housing.

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27. (currently amended) A mouse according to claim 26 further ~~including means~~ ~~for~~ comprising structure communicating a second command signal to software, said second command signal activating display of information of a previously visited Forward network address, said activating of display of information of a previously visited network address occurring without a requirement of said pointer having to be located on a Forward button shown on a display.

28. (currently amended) A mouse according to claim 27, wherein said ~~means for~~ structure communicating a second command signal to software includes a user depressible surface located on said housing.

29. (currently amended) An improved method of using a mouse, said mouse having surface-tracking pointer control ~~means for~~ describing a pointer position on a display, and said mouse having user actuable buttons,

wherein the improved use of said mouse ~~includes the steps of:~~ comprises the steps:

a) moving said mouse over an adjacent surface ~~for~~ causing said pointer to be moved over imagery of a currently visited network address shown on said display;

b) actuating a first button on said mouse ~~for~~ initiating network navigating software to cause imagery of a previously visited network address to be shown on said display, said actuating of said first button ~~for~~ initiating said signal is not required to occur with said pointer being located over a back button shown on said display; and

c) actuating a second button on said mouse ~~for~~ initiating said network navigating software to cause imagery of another previously visited network address to be shown on said display, said actuating of said second button is not required to occur with said pointer being located over a button shown on said display.

30. (original) An improved method of using a mouse according to claim 29 wherein said second button is actuated to cause imagery of a previously visited Forward network address to be shown on said display.

31. (new) A device controlling a pointer or cursor shown in a display, comprising:
a housing shaped to be held by a human hand, said housing substantially movable across

a surface adjacent to said housing, movement of said housing relative to said surface controls movement of said pointer or cursor in said display, said housing supporting

two finger depressible buttons positioned to actuate

two On/Off switches, said housing further supporting at least

one finger pressible element positioned to actuate at least

two pressure-sensitive variable sensors, output from said variable sensors variably controls scrolling within said display.

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REMARKS

In the above amendments to the claims, Applicant does not believe he surrendered any matter. However, so that Applicant's claims may later receive the broadest possible interpretation under Doctrine of Equivalence, the Examiner is respectfully requested to point out in writing to Applicant any location in the claims where matter has been surrendered. Thank you.

Also, so that Applicant's claims including the dependent claims will all be durable, please examine each claim including the dependent claims on their own merit. Thank you.

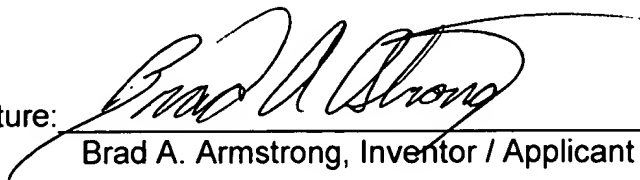
Applicant realizes the attached Information Disclosure Statement is extensive and sincerely apologizes to the Examiner. The legal system regarding prior art disclosure, as presently determined by the courts, is a harsh master – expensive, time consuming and difficult – for an inventor who only wants to enjoy the fruit of his invention. Please examine the claims thoroughly so that Applicant may receive a valid and worthy Patent. Thank you for your time.

In view of this response it is very respectfully requested that all claims 1-31 be held allowable.

Again, the Examiner is thanked for his assistance with this very important matter, and is invited to contact Applicant if Applicant might be of any help.

Sincerely yours;

Signature:



Brad A. Armstrong, Inventor / Applicant

Date: 1-21-04

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